

**Litchfield Planning Board**

**August 4, 2009**

**Litchfield Planning Board  
August 4, 2009  
Minutes Approved 8/18/09**

**Members present:**

Alison Douglas, Chairman  
Marc Ducharme, Clerk  
Jayson Brennen (arrived at 8:10 p.m.)  
Leon Barry  
Carlos Fuertes

**Members not present:**

Edward Almeida, Vice Chairman  
Steve Perry, Selectmen's Representative

**Also present:**

Joan McKibben, Administrative Assistant  
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

**AGENDA**

**1. Home Occupation Application - Mary Canales, 73 Cutler Road, Tax Map 2 Lot 203. Proposed home occupation - Auto Locator**

**2. Cutler & Page LLC - Status Report from Attorney Andrew Prolman, landowner's representative Re: Rolling Acres III and IV Subdivisions off Page Road.**

**3. Lot Line Adjustment Francis and Debra Drouin 17 Naticook Avenue Tax Map 18 Lot 33 and Michael and Brenda Douglas 19 Naticook Avenue Tax Map 18 Lot 31. Applicants seek to move 5,772 square feet from Lot 33 to Lot 31.**

**4. Discussion regarding Residential Driveway Regulations and Permit proposed Appendix J Litchfield Regulations**

**Any Other Business:**

**Approval of July 21, 2009, minutes**

**Correspondence Review**

Chairman Alison Douglas called the meeting to order at 7:03 p.m.

**1. HOME OCCUPATION**

**Application Acceptance** - Mary Cannales of 73 Cutler Road came before the Board to discuss a Home Occupation application for an Auto Locator business. She said that she just moved to Litchfield and is renting at 73 Cutler Road. She has had a dealer's license for ten years and basically what she does is she finds autos for people; so, she does not have a (parking) lot to store vehicles. If the vehicles are not sold, she does have two properties in Lawrence she can store them at. Most of the time she tries to sell them quickly and many times she registers them as personal vehicles. She has no autos at the residence unless they are registered. There would be no storage and no signage.

The owner of the property is Mathew Bouchard. She said she had the license when she lived in Windham and Hudson. She further told the Board that there has never been a complaint from the neighbors. The business is very low key; it is a retail business.

Abutters have been notified and fees paid. Chairman Douglas opened the meeting to public comment. There was no public comment. Public comment closed.

Mr. Barry: You (Mrs. Cannales) made a statement that the only cars that will ever be in your yard are those that will be registered? Could that be five? Mrs. Canales: Right now we have three registered vehicles...I have two teenagers, so we have three and what I was hoping for was to at least get permission for one or two that would have temporary plates if needed. So, you are right, it could be five vehicles. We do have a two-car garage but it is rarely a case like that.

She showed a copy of her certified plot plan to the members. She has three registered vehicles. Again, she said she tries not to have them located at her house.

Mr. Ducharme: Would you be willing to limit the number of vehicles on the property?

Mrs. Canales: Definitely.

Mr. Ducharme: How many do you think...

Mrs. Canales: I was hoping that you would say two. Two that I would be allowed to have temporary plates for. A lot of times I can inspect them where I buy them...if they do not sell, we do have the two commercial properties and one is a detailing body shop in Massachusetts.

Talk ensued. She said she would not put a For Sale sign on the vehicles because that would be considered storage. As to hours of operation, she told the Board that for the State form she does have to provide hours but basically she is a cell phone away and

1  
2 hardly any one comes to the house. Hours: Monday 8 a.m. to 2:00 p.m.; Tuesday 2:00  
3 p.m. to 6:00 p.m.; Wednesday to Friday 8:30 a.m. to 4:00 p.m. and Saturday 12:00 p.m.  
4 to 5:00 p.m. She said she would provide a copy of her dealer's license. The name of the  
5 business is Business Wholesale Unlimited. She started as a wholesale dealer and changed  
6 to retail but kept the name.

7  
8 Chairman Douglas **ENTERTAINED A MOTION** to accept the home occupation  
9 application. Mr. Barry **MOTIONED** to accept the home occupation application for Mary  
10 Canales, 73 Cutler Road, Tax Map 2 Lot 203. Mr. Ducharme seconded. Motion carried 4-  
11 0-0.

12  
13 **Application approval** - It was suggested limiting the business to two additional  
14 registered cars associated with the business. There would be no signage and no storage on  
15 the property. The Board will need a copy of her license, proof of bond, need signed  
16 verification from the owner Matt Bouchard, and business hours as noted in the State's  
17 license.

18  
19 Mr. Barry **MOTIONED** to approve the application with the following conditions:  
20 Two additional registered cars associated with the Wholesale Unlimited business; there  
21 will be no For Sale signs; no automobile storage. You will get a copy of the license for  
22 Town records, proof of bond for Town records, and verification from the landowner  
23 Mathew Bouchard approving that you can do that on that land. Mr. Fuertes seconded.  
24 Motion carried 4-0-0.

25  
26 **2. CUTLER & PAGE LLC**

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28 Attorney Andrew Prolman representing Cutler & Page Limited Liability Company  
29 came forward to discuss the status of Rolling Acres III and IV subdivisions. Over the past  
30 two weeks his client has been working on financing and he has a one-page commitment  
31 letter from a private lender in Meredith. A copy of the letter was provided to the Board.

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33 Att. Prolman: What this is going to do is, if all goes according to plan, to start building  
34 Phase III late September or early October and once the financing is set and Phase III is  
35 shoveled in the ground, Phase IV would follow so that the whole network could be built  
36 at one time rather than piecemeal.

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38 Attorney Prolman further stated that there are outstanding bills of approximately \$10,000  
39 so the Board could hold them hostage by not signing mylars or approving anything until  
40 the bills are paid. Mrs. McKibben pointed out that the escrow would have to be brought  
41 back up to whatever is required which could be \$10,000. To this, Attorney Prolman said  
42 he can convey that to his client but he asked for it in writing. It could be a condition of  
43 the preconstruction meeting that the escrow money is posted and all bills paid and that  
44 would be part of the financing. He said that the homes on Horizon and Weatherstone are  
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1  
2 to be built on one side of the street, which makes it more expensive, but his client knew  
3 that going into it. It is tougher than they thought it would be.  
4

5 Att. Prolman said they (buyer) are aware of the maintenance bond and said he thinks the  
6 applicant made some arrangement for a restoration bond in the amount of \$75,000 in lieu  
7 of the full performance bond. He will check on the \$75,000 restoration bond.  
8

9 **Open Space** - On another matter, Attorney Prolman asked for an update on the  
10 conservation subdivision ordinance. Mr. Ducharme said he is still working on it. This  
11 will be discussed at the next meeting and Attorney Prolman will be present to offer his  
12 assistance.  
13

14 **3. LOT LINE ADJUSTMENT**  
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16 **Application acceptance** - Mr. Gregg Jeffrey, Jeffrey Land Surveyor, Burgess Drive,  
17 came forward representing applicants Francis and Debra Drouin and Michael and Brenda  
18 Douglas of 17 & 19 Naticook Avenue. Applicants are requesting to move 5,772 sq. ft.  
19 from Map 18 Lot 33 to Map 18 Lot 31. Fees have been paid and abutters notified. Mr.  
20 Jeffrey said that the land being transferred is in the conservation district.  
21

22 Chairman Douglas opened the meeting to public comment. There was no public  
23 comment. Public comment session closed.  
24

25 Talk went on as to the waivers. Waiver SD530 a - Mr. Jeffrey: It is the minimum  
26 standard. I am more than willing to comply with that. This is a pre-existing survey and  
27 there wasn't an open traverse. What it is you set up two traverse points and it is a line not  
28 a geometric figure; it is actually one line so it more than exceeds the 1 in 10,000 closure  
29 because there is nothing enclosed - it is just a line.  
30

31 Another Waiver 530 d, which is to show the areas of wet and dry in the Land Area  
32 Transfer Table. Mr. Jeffrey said that according to N.H. law waters you can navigate on is  
33 to the mean high water so there would not be any wet areas transferred in that there are  
34 no wetlands. The transferred areas are dry. He said he did not indicate the pins on the  
35 plan because the original pins that were originally set, the stone bounds, eroded into the  
36 river, so, he plans to come back up about 20 feet offsetting the pin so it does not erode.  
37

38 Mr. Wagner: Based on what he is saying, the area of closure in the wet and dry area is not  
39 an issue.  
40

41 It was noted that a copy of the deeds need to be provided to the Board. Mr. Wagner said  
42 the waivers are not needed, the area of closure complies. Further talk ensued as to the  
43 area of closure. Mr. Jeffrey: What we are certifying is that it is accurate to 1 part of  
44 10,000.  
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1  
2 Mr. Barry: What is 1 part of 10,000?

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4 Mr. Ducharme: You are off by one foot in two miles.

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6 Mr. Jeffrey: I am certifying that the lots are going to close mathematically to 1 in 10,000.

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8 The next waiver is the mean high water which would be upland from the wetland. At this  
9 time, Mr. Jeffrey submitted in writing a request for the waiver. The request is to waive  
10 Section 530 d concerning wetland areas for his client's project which is a lot line  
11 adjustment on 17 & 19 Naticook Avenue.

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13 Mr. Barry **MOTIONED** to accept the waiver 530 d which shows the wet and dry in the  
14 Land Area Transfer table on this plan and on the lot line adjustment 17 & 19 on Naticook  
15 Avenue (House 17 and 19, Map 18 Lot 31 & Map 18 Lot 33). Mr. Fuertes seconded.  
16 Motion carried 4-0-0.

17  
18 At 8:20 p.m. Member Jayson Brennen entered the meeting.

19  
20 Mr. Fuertes **MOTIONED** that we accept the application for a proposed lot line  
21 adjustment between lots 18-31 and 18-33, located at 19 and 17 Naticook Avenue where  
22 the intent is to transfer 5,772 sq. ft. from 18-31 to 18-33. Mr. Ducharme seconded.  
23 Motion carried 4-0-1.

24  
25 **Application approval** – The remainder of Mr. Wagner's notes were reviewed:

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27 4. Legend will be added to the plan.

28  
29 5. Add Shoreland protection buffer lines (label). Mr. Jeffrey: What you are looking to do  
30 Steve (Wagner) is take the reference line and offset it 250 feet? Mr. Wagner: Show  
31 which ones are the structures... Mr. Jeffrey: When I talked with Mr. Lynch he said what  
32 I want on this is a note saying that the two lots are within the Comprehensive Shoreland  
33 Protection Act limit and that is basically all he wanted on the plan. We are not creating a  
34 building zone; they are already built out. The lot line adjustment is entirely within the  
35 conservation district.

36  
37 Mr. Wagner: What if they want to cut down trees, plant grass, fertilize...

38  
39 Mr. Jeffrey: That is why I agreed to put a note that be it known, I will read it...I came up  
40 with this verbiage: "All areas of the proposed lot line adjustment are within the Litchfield  
41 conservation easement as per plan reference #1. It is understood by the applicants and/or  
42 their successors that the portion of each lot is within the Comprehensive Shoreland  
43 Protection Act. Furthermore, it is understood that any future improvements to the  
44 properties is subject to any or all CSPA regulations". This was discussed.  
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3 6. The Board will need a copy of the conservation easement for the file. The entire  
4 verbiage is not on the proposed lot line adjustment plan but is indicated on referenced  
5 plan #1. There is a concern that the homeowner will not go back and look at the other  
6 plan. Mr. Jeffrey asked if he could put a note saying, "see conservation restrictions on  
7 plan reference #1 (original plan). Talk ensued. It was agreed to state on the plan "see  
8 conservation reference plan #1 (Plan #19898) as to the restrictions" and not put all the  
9 verbiage on the lot line adjustment plan. Mrs. McKibben said that it is not like it was in  
10 the past because the restrictions can be viewed on line at the Registry of Deeds.

11  
12 7. Conservation Commission will be meeting on Thursday and Mrs. McKibben  
13 (Conservation Commission Chairman) said she sees no issues.

14  
15 8. Add note or label denoting public water. Mr. Jeffrey said Note 4 on the plan addresses  
16 this. The property is served by municipal water and private septic.

17  
18 9. New bound at river...where will it be placed. Mr. Jeffrey said based upon the terrain,  
19 the pins will be backed up to a spot so it has a better chance of staying. This information  
20 needs to be put on the plan.

21  
22 10. Subdivision Permit - None is needed. Mr. Jeffrey said he is not adding to the septic; it  
23 is just a lot line adjustment.

24  
25 Back to the Shoreland Protection Act, Mr. Ducharme suggested adding the year it was  
26 enacted and the year it was amended.

27  
28 At this time, Mrs. McKibben mentioned a letter from Kevin Lynch regarding Note 2 on  
29 the plan where it says district overlay. Mr. Lynch states residential zone district is not an  
30 overlay. Mr. Jeffrey: He wanted me to take the word district out and just put residential  
31 zone. What he wants me to do is separate the aquifer and the wetlands away from the  
32 residential zone.

33  
34 There were no abutters or public present to comment. Chairman Douglas wants to  
35 continue this lot line adjustment to a date certain. Mr. Jeffrey asked if it could be  
36 approved conditionally because most of the missing items are just text to be added.

37  
38 Chairman Douglas went over what needs to be provided: Need copy of the deeds; verify  
39 signatures; add the legend to the plan; add a note in lieu of the protection buffer line  
40 labels referencing RSA483b and the year and year amended; note 1 going to make some  
41 changes on the plan referencing the easement; need Conservation Commission  
42 comments; note on new bounds at the river; and note 2 to be adjusted referencing the  
43 district overlay. Chairman Douglas would like to have these items taken care of before  
44 the Board approves the plan. Mr. Barry agreed with the Chairman. It was said that this  
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lot line adjustment is not something that has to be done right away. It was agreed to continue the matter at the next meeting.

The missing information should be received by the 17<sup>th</sup> in order for Mrs. McKibben to review the information. Mr. Jeffrey will be first on the agenda for the August 18<sup>th</sup> meeting.

Mrs. Douglas **MOTIONED** that we continue this application approval until August 18<sup>th</sup> for the proposed lot line adjustment for 17 and 19 Naticook Avenue 18-33 and 31. Mr. Barry seconded. Motion carried 5-0-0.

#### **4. RESIDENTIAL DRIVEWAY REGULATION**

This will be reviewed at the next meeting. The Board is waiting for feedback from the Road Agent and Code Enforcement Officer.

#### **ANY OTHER BUSINESS**

**Home Occupation Renewal** - Chairman Douglas said that she had spoken with Sally Bouchard who told her that she had mailed the renewal back over a month ago. She put one employee and said there is no storage of materials in the sheds. The application will be changed.

Mr. Leon Barry **MOTIONED** to accept the renewal application of Sally Bouchard. Mr. Jayson Brennen seconded. Motion carried 5-0-0.

**Pinecreek Subdivision** - Mr. Brennen asked about the tree-cutting that was done at the single-family residences along Route 3A. Mrs. McKibben said that she provided the Code Enforcement Officer with a copy of the tree-cutting plan that Ashwood had agreed to in 2006. The Code Enforcement Officer is supposed to review the plans with what was cut on the site. It was said that when the tree-cutting plan came in that the Planning Board did not have in front of them the grading plan for the driveways. The grading plan for the driveways takes up most of the frontage - 400-foot line of sight. The Board is awaiting Kevin Lynch's report.

**Old Stage Subdivision** - Road Agent John Pinciario had sent a letter to the Association about eliminating a light by the Library. Mrs. McKibben told the Board that the President of the Association John Poulos told Lori (Dogopoulos) on July 23, 2009, that the Association had no problem eliminating the light.

**Recess** - The Board recessed for ten minutes.

At this time, member Marc Ducharme left the meeting. (approximately 9:00 p.m.)

**Litchfield Planning Board**

**August 4, 2009**

**MINUTES**

The July 21, 2009 minutes were reviewed. Mr. Brennen **MOTIONED** that we approve the minutes of July 21, 2009, with revisions. Mr. Fuertes seconded. Motion carried 3-0-1.

**CTAP Grant** - Vice Chairman Edward Almeida and NRPC Circuit Rider Steve Wagner met with the Board of Selectmen regarding a \$10,000 grant. The Selectmen supported the grant, signed off on it, and it has been submitted to the D.O.T. (Department of Transportation).

There being no further business, Mrs. Douglas **MOTIONED** to adjourn the meeting. Mr. Barry seconded. Motion carried 4-0-0. The meeting adjourned at 9:28 p.m.

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Alison Douglas, Chairman

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Marc Ducharme, Clerk

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Jayson Brennen

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Leon Barry

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Carlos Fuertes

Lorraine Dogopoulos  
Recording Secretary